

## RESOLUTION NO. CZAB5-4-04

WHEREAS, JOSE MILTON TRUST applied for the following:

- (1) BU-1A to RU-4

### REQUEST #1 ON THE SOUTHERN TRACT

- (2) UNUSUAL USE for entrance features – to wit: gated entrances, guardhouses and a decorative fountain.
- (3) Applicant is requesting to permit 29 street trees (49 required), 189 lot trees (541 required) and 4,823 shrubs (5,900 required).

### REQUESTS #2 & #3 ON THE NORTHERN AND SOUTHERN TRACTS

- (4) MODIFICATION of Condition #3 of Resolution Z-190-71, passed and adopted by the Board of County Commissioners and last modified by Resolution 4-ZAB-98-85, passed and adopted by The Zoning Appeals Board, reading as follows:

FROM: "3. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Apartments Conversion for Country Club Towers', as prepared by Salvador M. Cruxent, Architect, dated 12-20-84, and consisting of 3 pages."

TO: "3. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Country Club Towers Second Phase II', as prepared by Salvador M. Cruxent, consisting of 12 sheets – Sheets A1.1 & A1.2 dated last revised 01/08/04, A1.3 through A5.2 dated last revised 1/6/04 and landscape plans entitled 'Phase II Country Club Towers Apartment Complex,' as prepared by EGS2 Corp., consisting of 5 sheets, dated signed and sealed 1/6/04.

The purpose of this request is to permit the applicant to submit revised site plans for expansion of a residential apartment development onto additional property to the south..

- (5) DELETION of three (3) agreements as recorded in Official Records Book 7397, Pages 597 through 603, Official Records Book 7397, Pages 604 through 609 and Official Records Book 7397, Pages 620 through 625.

The purpose of this request is to allow the applicant to release the aforementioned agreements from the subject property, which tied the residential parcel to a site plan.

### REQUESTS #4 & #5 ON THE NORTHERN TRACT

Upon a demonstration that the applicable standards have been satisfied, approval of request #3 may be considered under §33-311(A)(15) (Alternative Site Development Option for Multiple-Family Use) OR §33-311(a)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance) and approval of requests #4 & #5 may be considered under §33-311(A)(7) or §33-

311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing). The aforementioned plans are on file and may be examined in the Zoning Department. Plans may be modified at public hearing.

SUBJECT PROPERTY: NORTHERN TRACT: Tract "A", COUNTRY CLUB TOWERS, Plat book 117, Page 2. AND: SOUTHERN TRACT: Tract "A", COUNTRY CLUB OF MIAMI VILLAGE CENTER, Plat book 99, Page 61.

LOCATION: The Southeast corner of N.W. 186 Street, & N.W. 68 Avenue, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 5 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant requested permission to withdraw the request to permit 29 street trees, 189 lot trees, and 4,823 shrubs, and at which time the applicant proffered a Declaration of Restrictions, and

WHEREAS, upon due and proper consideration having been given to the matter and to the recommendation of the Developmental Impact Committee, it is the opinion of this Board that the requested district boundary change to RU-4 (Item #1) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and that the requested unusual use (Item #2), the request to permit 29 street trees, 189 lot trees, and 4,823 shrubs (Item #3), the requested modification of Condition #3 of Resolution Z-190-71 (Item #4), and deletion (Item #5) would not be compatible with the area and its development and would not be in harmony with the general purpose and intent of the regulations and would not conform with the requirements and intent of the Zoning Procedure Ordinance, and that the requested unusual use would have an adverse impact upon the public interest and should be denied without prejudice, and

WHEREAS, a motion to deny Items #1-5 without prejudice was offered by Leonardo A. Perez, seconded by Archie E. McKay Jr., and upon a poll of the members present the vote was as follows:

Sharon Franklin	aye	Leonardo A. Perez	aye
Juan A. Garcia	nay	Paul O'Dell	aye
Archie E. McKay Jr.	aye	Roberto P. Serrano	aye
Jorge I. Bonsenor			aye

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 5, that the requested district boundary change to RU-4 be and the same is hereby denied without prejudice.

BE IT FURTHER RESOLVED that the requested unusual use (Item #2), the request to permit 29 street trees, 189 lot trees, and 4,823 shrubs (Item #3), the requested modification of Condition #3 of Resolution Z-190-71 (Item #4), and deletion (Item #5) be and the same are hereby denied without prejudice.

The Director is hereby authorized to make the necessary notations upon the records of the Miami-Dade County Department of Planning and Zoning.

PASSED AND ADOPTED this 26<sup>th</sup> day of February, 2004.

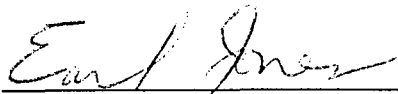
Hearing No. 04-2-CZ5-1  
ej

**STATE OF FLORIDA**

**COUNTY OF MIAMI-DADE**

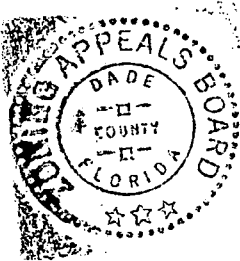
I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 5, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB5-4-04 adopted by said Community Zoning Appeals Board at its meeting held on the 24<sup>th</sup> day of February, 2004.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 1<sup>st</sup> day of March, 2004.



Earl Jones, Deputy Clerk (3230)  
Miami-Dade County Department of Planning and Zoning

SEAL



MIAMI-DADE COUNTY, FLORIDA



DEPARTMENT OF PLANNING AND ZONING

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ZONING PERMIT SECTION  
(786) 315-2666 • SUITE 106

ZONING PLANS PROCESSING SECTION  
(786) 315-2650 • SUITE 113

March 1, 2004

Jose Milton Trust  
c/o William Riley  
200 South Biscayne Boulevard, Suite 2500  
Miami, Florida 33131-5340

Re: Hearing No. 04-2-CZ5-1  
Location: The Southeast corner of N.W. 186 Street, &  
N.W. 68 Avenue, Miami-Dade County, Florida

Dear Applicant:

Enclosed herewith is Resolution No. CZAB5-4-04, adopted by the Miami-Dade County Community Zoning Appeals Board 5, which denied your application without prejudice on the above described property.

You are hereby advised that the decision of the Community Zoning Appeals Board may, be appealed by an aggrieved party to The Board of County Commissioners within 14 days after the results have been posted.

Sincerely,

Earl Jones  
Deputy Clerk

Enclosures